

U.S. DISTRICT COURT
EASTERN DISTRICT-WI
FILED
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

09 SEP 22 P1 55

Redacted
COPY

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUDITH A. HURTA,
a/k/a ALICIA JUDY HURTA,
a/k/a A JUDY HURTA,

Defendant.

JON W. SANFILIPPO
CLERK

Case No. 09-CR-

[18 U.S.C. § 1309] **CR-233**

Green Bay Division

INDICTMENT

THE GRAND JURY CHARGES:**Allegations Common to all Counts**

1. Beginning in approximately 1990, and continuing thereafter until approximately August 1, 2008, in the State and Eastern District of Wisconsin and elsewhere,

**JUDITH A. HURTA,
a/k/a ALICIA JUDY HURTA,
a/k/a A JUDY HURTA,**

knowingly devised a scheme to defraud and to obtain money from the Social Security Administration by means of material false and fraudulent pretenses and representations, which scheme is more fully described below.

2. For purposes of executing her scheme, Hurta used and caused the use of the United States Postal Service, as described below.

Background

4. At all times material to this Indictment, Judith Hurta was a resident of the Eastern District of Wisconsin.

5. At all times material to this Indictment, Judith Hurta had a legitimately issued Social Security number of XXX-XX-4671.

The Scheme to Defraud

6. Hurta's scheme to defraud and to obtain money by means of material false and fraudulent pretenses and representations was essentially as follows:

(a) In the 1970s, Hurta received an identification card with her first and middle names transposed. On August 14, 1974, Hurta used that identification card to apply for and obtain a fraudulent Social Security number of XXX-XX-6269 in the name of "Alicia J. Hurta," falsely claiming she did not previously apply for or have a Social Security number.

(b) On August 21, 1989, Hurta opened a post office box (P.O. Box 192) in Embarrass, Wisconsin, in the name of Judie Hurta. In her post office box application, Hurta listed Alicia Hurta as authorized to accept mail addressed to this post office box. Hurta maintained this post office box throughout the relevant period of this indictment.

(c) In late 1990, Hurta applied to the Social Security Administration for Supplemental Security Income (hereinafter referred to as SSI) disability benefits and Title II disability benefits using the name "A. Judy Hurta" and the Social Security number she fraudulently obtained in 1974 (hereinafter referred to as her second identity). As part of her application, Hurta represented that she could not work, when in fact, she was sporadically working and earning income under her own name and legitimate Social Security number. Hurta used the post office box she had

opened in Embarrass, Wisconsin, as her address to which SSI disability and Title II benefits should be mailed.

(d) Based on Hurta's false and fraudulent application, the Social Security Administration awarded Hurta Social Security disability benefits beginning in 1991.

(e) Hurta continued to work sporadically under her real identity and legitimate Social Security number, while she continued to receive monthly Social Security disability payments under her second identity, which were mailed to the post office box she maintained in Embarrass, Wisconsin.

(f) On February 12, 2008, Hurta applied for Social Security retirement benefits under her correct name and legitimate Social Security number, while still receiving Social Security disability benefits under her second identity. In her application for retirement benefits, Hurta failed to disclose to the Social Security Administration that she was receiving Social Security disability benefits under her second identity.

7. As a result of her scheme, Hurta fraudulently obtained benefits belonging to the Social Security Administration in excess of \$110,000 under her second identity.

Executing the Scheme to Defraud**COUNTS ONE THROUGH THREE****THE GRAND JURY FURTHER CHARGES:**

8. On or about the dates listed below, in the State and Eastern District of Wisconsin and elsewhere, the defendant knowingly and intentionally executed her scheme to defraud in the manner described below.

<u>Count</u>	<u>Date</u>	<u>Execution of Scheme to Defraud</u>
1	03/03/2008	Judith Hurta caused United States Treasury Check No. 3093 78509779, dated March 3, 2008, in the amount of \$554.00, made payable to A Judy Hurta, to be sent via U.S. Mail to a Post Office Box in Embarrass, Wisconsin.
2	04/03/2008	Judith Hurta caused United States Treasury Check No. 3093 79895870, dated April 3, 2008, in the amount of \$554.00, made payable to A Judy Hurta, to be sent via U.S. Mail to a Post Office Box in Embarrass, Wisconsin.
3	05/02/2008	Judith Hurta caused United States Treasury Check No. 3093 81263964, dated May 2, 2008, in the amount of \$554.00, made payable to A Judy Hurta, to be sent via U.S. Mail to a Post Office Box in Embarrass, Wisconsin.

Each in violation of Title 18, United States Code, Section 1341.

FORFEITURE NOTICE


1. Upon conviction of the offense in violation of 18 U.S.C. § 1341, set forth alleged in Counts One through Three of this Indictment, the defendant shall forfeit to the United States of America, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), all property, real and personal, which constitutes or is derived from proceeds traceable to the commission of the offense. The property to be forfeited includes, but is not limited to:

- (a) A sum of money in the amount of \$112,859.84, representing the amount of proceeds the defendant obtained as a result of her mail fraud scheme and other fraud.

A TRUE BILL:


FOREPERSON

Dated: 9/22/09



MICHELLE L. JACOBS
United States Attorney